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Report of the Secretary-General on the protection of civilians in armed conflict

I. Introduction

1. The present fifth report on the protection of civilians in armed conflict is submitted pursuant to the request of the President of the Security Council contained in his statement of 14 December 2004 (S/PRST/2004/46).

2. Five years ago, in April 2000, the Security Council adopted its latest resolution on the protection of civilians in armed conflict (resolution 1296 (2000)), having adopted its very first resolution on this topic (resolution 1265 (1999)) seven months earlier. The Council's adoption of these resolutions marked a significant milestone, reflecting the international community's growing commitment to better address the tragic plight of civilians trapped in situations of armed conflict. The fact that five years have elapsed since then requires that we take stock of developments, assess the collective achievements that have been made and reflect on those areas where action remains inadequate. The present report seeks to identify the emerging trends that affect the lives of civilians in conflict and the areas where relevant Security Council resolutions have had an impact on the lives of those forced to endure the hardships and tragedies of armed conflict. In so doing, the report seeks to identify measures and actions that the Security Council can take to strengthen and improve the response to the protection needs of civilians in armed conflict. The report provides a review of the main events of the past five years that have shaped the environment of protection. These have been years in which civilians have continued to be caught up in armed conflict or acts of terrorism in situations as diverse as those in Afghanistan, Burundi, Colombia, the Democratic Republic of the Congo, Iraq, the occupied Palestinian territory, Nepal, the Sudan, Uganda, West Africa and elsewhere. These are years in which the cumulative impact of conflict has continued to disproportionately affect the civilian population, especially women and children, requiring sustained attention and a renewed commitment by the Member States of the United Nations to address these concerns.

General trends

3. In the new warfare that has emerged, the impact of armed conflict on civilians goes far beyond the notion of collateral damage. Targeted attacks, forced displacement, sexual violence, forced conscription, indiscriminate killings,

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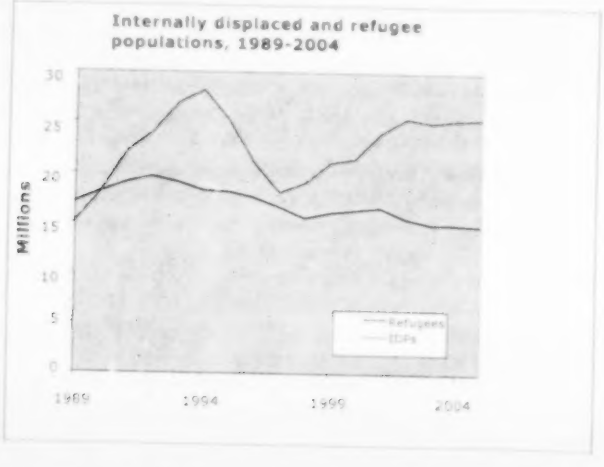
mutilation, hunger, disease and loss of livelihoods collectively paint an extremely grim picture of the human costs of armed conflict. Although the number of armed conflicts decreased from 50 in 1992 to 30 in 2004, today's armed conflicts are more often low-intensity conflicts fought with small arms and light weapons in both urban and rural areas. Conventional warfare undertaken by large, formed, well-disciplined units with clear command and control structures is less common. The changing nature of conflict has a profound impact on respect for civilian status and the safety and well-being of civilian populations.[1] Civilians are increasingly at risk of being caught in crossfires, targeted for reprisals, forcibly recruited, sexually enslaved or raped. Armed groups involved in these conflicts tend to be smaller and less well trained and equipped than national military forces. They consequently tend to avoid major military engagement and instead target and spread fear among civilians,[2] using them as human shields or extorting food and money for their own subsistence and support. Increasingly, today's conflicts rely upon child soldiers,[3] who are commonly recruited and used against their will, through abduction, kidnapping, enslavement and coercion or intimidation of their parents or guardians. It is estimated that children are serving in almost 75 per cent of contemporary armed conflicts.[4]

4. Over the past decade, forced displacement within borders has become one of the most disturbing features of conflict. While the overall number of refugees has slowly decreased since the early 1990s, internal displacement figures have remained relatively constant, at the 2001 level of an estimated 25 million (see graph).[5] While the overall figure for internal displacement remains constant, the situation on the ground is not static. Over the past four years approximately 3 million civilians have been newly internally displaced, including refugees who return to their country of origin but remain displaced, unable to return to their home areas, which remain insecure, while a further 3 million have returned, been integrated locally or resettled.



5. Sexual violence, particularly against women and girls, is frequently used as a deliberate method of warfare. This disturbing phenomenon has become even more horrifying in recent years, especially when rape is used as a weapon. Societal breakdown, particularly in situations of displacement, and the breakdown of law and

order compound the risks that civilians face and contribute to an overall increase in the incidence of sexual violence. This has been evidenced in numerous conflict situations in recent years, including in the Democratic Republic of the Congo, in the Darfur region of the Sudan and northern Uganda. The real collateral damage of many conflicts over the past five years lies in the breakdown of basic services and infrastructure as well as in the disruption or loss of livelihoods. This can result in increasing malnutrition, the spread of epidemic diseases and increasing incidence of HIV/AIDS, which all too often complete the harsh picture for civilians living in armed conflict. This problem has been acutely demonstrated in the Democratic Republic of the Congo, where an estimated 3.3 million people died between August 1998 and November 2002, overwhelmingly from malnutrition and diseases associated with the war.[6]

6. Humanitarian access to affected populations is vital in situations where a State or party to a conflict that bears responsibility is unable or unwilling to provide for the basic needs of civilians on their territory. In 2004, United Nations agencies were denied access to an estimated 10 million people in need of assistance and protection. In many instances security conditions prevented humanitarian personnel from reaching civilians in need of assistance and protection, or, as in Darfur, led to temporary withdrawal of humanitarian workers, with serious implications for the population concerned. Other means of denying humanitarian assistance have developed in Somalia, where aid ships are subject to piracy and aid convoys have been attacked.

II. Selected areas of concern to the Security Council

7. Over the past five years there has, in general terms, been a decrease in the levels of armed conflict. Much of this relates to the cessation of hostilities and successful peace processes following some of the world's most protracted wars. A number of countries are beginning to make the transition towards greater stability, most notably Angola, and more recently Burundi. Despite the conflict in Darfur, the situation in southern Sudan continues to progress towards transition. Recent developments in Liberia also suggest movement towards political stability. The protection needs of civilians in these transitional situations remain relevant, but differ in the form of protection that is required. While in these situations the immediate threat of violence is diminished, there is a need to protect or reassert property rights to ensure the effective reintegration of displaced communities along with appropriate support for both local and national reconciliation processes.

8. Unfortunately, over the same period a number of protracted conflicts have continued to keep millions of people displaced and in conditions of great insecurity. The conflict in northern Uganda has continued for over 18 years. Even in such seemingly intransigent environments, reconciliation processes may provide the best hope for ensuring the safety of the civilian population.

9. During the same period, there have also been a number of situations where the threats to civilians have deepened and called for extraordinary measures to be taken for their protection. The situation in Darfur has seen the greatest crisis of protection; the civilian population has been subjected to forced displacement on an unprecedented scale, as well as widespread physical and sexual violence. Despite improvements and a movement towards greater political stability, the scale of

violence against the population in the Democratic Republic of the Congo by irregular armed groups, as well as by the Congolese armed forces, continues to be a matter of deep concern. These two situations demonstrate the need to identify more effective means for the Security Council to protect civilian populations from physical and sexual violence.

10. During the last five years there have been a number of crises where acts of terrorism have brought havoc on the civilian population and have added to the complexity of ensuring the proper protection of civilians. This has been a matter of concern in Iraq, the occupied Palestinian territory and Colombia. In some cases the response to acts of terrorism may also seriously impede the civilian population's access to humanitarian assistance.

11. The emerging crises in Nepal and Myanmar highlight other concerns for the protection of civilians. In these cases humanitarian access and the ability to protect the civilian population from the long-term social and economic consequences of conflict are denied by the inability of parties to the conflict to recognize their responsibilities.

12. Whatever the nature of the threat to the protection of the civilian population, compliance with international humanitarian law, human rights law, refugee law and international criminal law by all parties concerned provides the strongest basis for ensuring respect for the safety of the civilian population. The hardships borne by civilians during armed conflict, particularly where violence is specifically directed against them, have a direct impact on durable peace, reconciliation and development. The report examines below some priority areas of protection where further action is required.

A. Violence against civilians

13. Civilians and their property are easy targets, and therefore violence and attacks against them are often deliberate tactics of modern warfare. The intention is to destroy lives and livelihoods, to instil fear or permanent harm through killing, maiming, summary executions, torture, rape and other forms of sexual violence, abductions, arbitrary detention and forced displacement and, through the destruction of dwellings and infrastructure, to make sure there is no return. In 2002 alone, the number of civilian deaths that occurred in armed attacks or battle was estimated at between 19,000 and 172,000, depending on the criteria used for assessing death as a consequence of armed conflict.[7] In many cases, particularly where the intention is to instil fear, brutal violence takes place in front of family members.

14. While violence directed against civilians in armed conflict causes many brutal deaths, even greater numbers of civilians suffer non-fatal injuries, physical disabilities, mental health problems, reproductive health problems or sexually transmitted diseases, including HIV/AIDS, as a result of violence inflicted upon them. The use of sexual violence has become more widespread and systematic, affecting a large number of women, girls, men and boys.[8] The United Nations Mission in the Democratic Republic of Congo (MONUC) estimates at least 25,000 cases of sexual violence a year in North Kivu, one region of the Democratic Republic of the Congo alone. Rape and gang rape are committed not only by irregular armed elements, but also by law enforcement agencies and armed forces, as has most recently been demonstrated in the Darfur region of the Sudan. The

extent of rape and sexual violence is difficult to assess, as many victims, particularly women, are hesitant to come forward due to fear of reprisals, intimidation, being ostracized or possibly even facing criminal charges themselves. In many cases these fears are well founded. It is imperative that these crimes be investigated in a timely and credible manner and that perpetrators be prosecuted and brought to justice. An effective national judicial system and a firm political commitment at both the local and the central level are necessary. At the same time, it is essential that appropriate health and psychosocial support be provided to the survivors of sexual violence.

15. In a significant development in combating sexual violence as a method of warfare, rape, sexual slavery, enforced prostitution and forced pregnancy have been included in the definition of crimes against humanity and war crimes, most recently and explicitly in the Rome Statute of the International Criminal Court. In the case of Darfur, the Security Council, through its referral to the International Criminal Court, reaffirmed its commitment to adopt appropriate measures to address the deliberate targeting of civilian populations and systematic, flagrant and widespread violations of international humanitarian and human rights law.

16. The restoration of law and order to prevent further violence and tackle impunity should be a key priority for the States concerned, and for the Security Council and possible peacekeeping and peacebuilding missions in support of, or, exceptionally, in lieu of, the States concerned. A number of capacity-building initiatives have been and continue to be taken throughout the United Nations system, including peacekeeping and peacebuilding missions, to strengthen the national legal, law enforcement and judicial systems. However, for a secure environment and the rule of law to be sustainable, disarmament, demobilization and reintegration measures need to be fully funded. In particular, greater efforts are required to address the increasingly complex issues of reintegration, where armed youths and other irregular armed groups will often have been the perpetrators of violence against the very community within which they need to be reintegrated.

B. Security for displaced persons and host communities

17. Displacement, both within and across borders, remains a priority protection concern. The protection needs of internally displaced persons — which range from the need for protection from armed attack, rape and other forms of sexual violence, sexual abuse and exploitation and forced recruitment to the needs associated with inadequate shelter and limited access to food, medical and other life-sustaining assistance — continue to pose an enormous humanitarian challenge. Three situations that illustrate this challenge most starkly are those in the Darfur region of the Sudan, the Democratic Republic of the Congo and northern Uganda.

18. In many instances, displacement has reached truly disturbing levels. In northern Uganda, for example, 90 per cent of the population in the districts of Gulu, Pader and Kitgum districts is displaced. The mortality rate for children under five years of age residing in camps in these districts is above emergency thresholds,[9] and over 1.45 million of the approximately 1.8 million internally displaced in northern Uganda rely almost entirely on external assistance for survival. Moreover, in situations such as these women and girls are often more vulnerable to sexual and other forms of violence.[10]

19. The conditions for internally displaced populations are compounded by the fact that an estimated one third of the 25 million internally displaced persons are effectively denied access to humanitarian assistance. Internal displacement is often protracted: in 2004, the average length of displacement was 14 years, with the overwhelming majority of internally displaced persons being displaced for more than a year. The impact of displacement is long-lasting, even at the post-conflict stage. The ultimate goal must be to enable internally displaced persons to return to their places of origin, to integrate into the communities they have joined or to resettle elsewhere, on the basis of voluntary and informed decisions and in a safe, dignified and sustainable manner. Concrete measures to adequately plan for, and support, the realization of this goal are critical. Unresolved issues such as land and property restoration can perpetuate insecurity, particularly in situations of large-scale returns of displaced persons. National institutions therefore need to be supported in order to ensure that the property and other rights related to refugees and internally displaced persons are properly addressed. I call upon the Security Council to reinforce the inclusion of adequate reintegration measures in peacekeeping and peacebuilding missions as well as in peacemaking processes.

20. Forcible displacement of civilian populations for reasons related to an armed conflict is prohibited under international law, unless the security of civilians involved or imperative military reasons so demand.[7] Yet emerging trends over the past five years indicate that forced displacement continues to be used as part of a deliberate military strategy to control populations. The brutal forced displacement of 1.8 million civilians in the Sudan's Darfur region provides a chilling example. The right to freedom of movement in northern Uganda has effectively been eliminated as a result of the Government's establishment of "free fire zones", where persons moving outside designated settlements or camps are automatically considered legitimate targets for attack. Moreover, attacks on camps, such as the attack on the Gatumba transit centre in Burundi in August 2004, which resulted in the brutal massacre of 152 Congolese refugees and the wounding of an additional 106, illustrate that camps do not necessarily enhance protection, especially when situated close to a border, as was the case in this instance.

21. The primary responsibility for the protection of civilians within their jurisdiction, including internally displaced persons, rests with the national authorities. It is therefore encouraging to note that over the past five years several countries have adopted specific policies or legislation concerning internal displacement. The adoption of policies and legislation does not, however, automatically translate into effective protection and assistance for internally displaced persons. It is therefore critical that the Guiding Principles on Internal Displacement form the framework and basis for such policies and legislation and that they be implemented faithfully, together with the Security Council resolutions pertaining to protection of civilians in armed conflict and other relevant resolutions. I urge Member States and other actors, including peacekeeping missions, to provide protection for civilians in their places of origin and for communities hosting internally displaced persons, and that the establishment of camps be seen as a last resort.

22. As invited to do by the Security Council in its resolution 1296 (2000), I have brought a number of displacement situations to the attention of the Council, as has my Under-Secretary-General for Humanitarian Affairs. The Council expressed in

the same resolution its willingness to adopt appropriate steps when necessary to help create a secure environment for civilians endangered by conflict.

23. In the light of the extreme vulnerability of most internally displaced populations, the Security Council should pursue all possible options at its disposal to prioritize, support and respond to the immediate protection needs of internally displaced persons and other conflict-affected populations. An effective peacekeeping presence early in the movement of refugees and internally displaced persons that responds to the protection needs of the displaced can provide the necessary security environment to prevent displacement and facilitate an early return. In some cases peacekeeping forces may also be the only means of ensuring that the civilian character of camps for displaced populations is maintained by preventing the infiltration of armed elements and combatants. An increased understanding by peacekeeping missions of their role in the protection of displaced persons can play an important part in creating a more secure environment for those groups of the civilian population, such as the internally displaced, that are most at risk. I therefore welcome the work being undertaken in some peacekeeping operations to better incorporate the protection needs of vulnerable groups of the population into mission planning and the deployment of peacekeeping forces.

C. Special issues related to women and children

24. One of the most tragic aspects of our collective failure to adequately protect civilians in situations of armed conflict over the past five years is the fact that women and children have continued to suffer extraordinary hardships and violence. Other thematic reports, such as those on women and peace and security[12] and on children and armed conflict,[13] address these issues in greater depth. The particular gravity of the suffering inflicted on women and children in armed conflict and the persistent violation of their human rights and fundamental freedoms demand, however, that some key issues be addressed in the present report.

25. In addition to the devastating consequences of sexual and gender-based violence in situations of armed conflict, as outlined above, specific protection needs for women and children continue to be generated by displacement, increases in female- and child-headed households and the recruitment and use of children as soldiers. Conflict also undermines the important role of women as contributors to the economic sustainability of the family and providers of protection. The importance of respecting and utilizing women as mediators, as providers of protection and as a primary force of economic activity during armed conflict and in rebuilding war-torn societies must be given greater emphasis than it has so far received.

26. The Security Council has recognized in recent resolutions that declines in educational and job opportunities that accompany long-term cycles of violence serve to increase the vulnerability of youth to engagement in armed groups. The importance of education and skills training as a key element of protection therefore cannot be overstated.

27. In circumstances that are violent and distressing to women and children, peacekeepers and United Nations staff must demonstrate exemplary personal conduct and behaviour. It is a transgression of the most egregious kind when United Nations staff and related personnel themselves sexually exploit or abuse members of

the population they have come to protect and serve. Significant efforts have been undertaken in this area since my last report to the Security Council on the protection of civilians in armed conflict (S/2004/431). Following the report of the Special Committee on Peacekeeping Operations and its Working Group on the 2005 resumed session,[14] all categories of peacekeeping personnel must adhere to these standards and obligations, thus creating uniform standards for all persons serving in United Nations missions. Over the past 21 months, investigations into allegations of sexual exploitation and abuse involving 264 United Nations peacekeeping personnel have been concluded; 16 civilians have been summarily dismissed, and 132 Blue Helmets have been repatriated (seven of whom were Commanders). I have established a group of legal experts to study ways to ensure that United Nations staff and experts on mission are held accountable for criminal acts committed while serving in United Nations peacekeeping operations and where no functioning judicial system exists; the group started its work in October 2005. These attempts notwithstanding, the United Nations needs to increase its efforts to prevent and respond to this problem. Measures for receiving and reporting complaints, ensuring timely and effective investigations, taking appropriate disciplinary action[15] and providing assistance and support to victims must be strengthened and implemented across the board. At the request of Member States,[16] I will soon present a proposal for a comprehensive, system-wide strategy for providing assistance to victims of sexual exploitation and abuse by United Nations staff and related personnel. I count on the support of Member States to ensure that our response to those who have been harmed is compassionate, timely and appropriate. I encourage the Security Council to urge personnel-contributing countries to cooperate fully in all these efforts.

D. Access to vulnerable populations

28. In my first report on the protection of civilians in armed conflict (S/1999/957) I stressed that it is the obligation of States to ensure that the affected populations have access to the assistance they require for their survival. The same responsibility lies with non-State actors. If a party to a conflict is unable to fulfil this obligation, the international community has a responsibility to ensure that humanitarian aid is provided. The Security Council heeded my recommendations by underscoring in its resolutions 1265 (1999) and 1296 (2000) the need for all parties concerned, including non-State actors as well as neighbouring States, to cooperate fully with the United Nations Humanitarian Coordinator and United Nations agencies in providing safe and unimpeded access to civilians in armed conflict, and for its part, the Council expressed its willingness to adopt appropriate steps.

29. The issue of the denial or obstruction of access to vulnerable populations by humanitarian missions has been raised in each of my four previous reports on this subject and in each of the six-monthly briefings by my Under-Secretary-General for Humanitarian Affairs. The Security Council has promptly followed up in its resolutions related to particular conflict situations, urging or demanding that the parties allow immediate, full and unimpeded access for humanitarian personnel. I have also recommended practical measures that can improve access to civilians in armed conflict, such as defining clear conditions for humanitarian access in any terms of engagement and the use of framework agreements, such as were used in Operation Lifeline Sudan. Nevertheless, there remain a number of situations in

which a more structured approach to humanitarian access would improve the protection of civilians.

30. The denial or obstruction of access to vulnerable populations continues. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) reported more than 660 access incidents experienced by ambulance providers and a further 1,537 by humanitarian agencies from January 2004 through July 2005 in the occupied Palestinian territory. Ongoing insecurity and Government inability to guarantee security continue to hamper access in northern Uganda, where the United Nations Children's Fund (UNICEF) estimates that in September 2005 humanitarian agencies were able to have access to only 20 per cent of the 210 camps for internally displaced persons on a regular basis without a heavily armed military escort. Recently, several aid convoys have been attacked in Darfur. In some cases — for example, in Nepal — unnecessary bureaucratic measures have been introduced to impede access, such as cumbersome registration processes for humanitarian organizations. Contact with non-State actors by humanitarian organizations for the purpose of securing access to the civilian populations in need remains a sensitive issue and can prove a serious obstacle to ensuring better protection for the civilian population. Clearer guidance on how to address access issues with non-State armed groups, without indication of recognition, and a better understanding that enabling humanitarian access is a responsibility of all parties to a conflict may make a positive difference in addressing this issue. Such guidance, as requested by the Security Council, will soon be available.

31. The role of peacekeeping missions in creating a secure and safe environment enabling humanitarian organizations to have full, safe and unhindered access to the population, including the internally displaced in need of protection and assistance, is crucial. This role has been increasingly emphasized in Security Council resolutions and incorporated into the mandate of peacekeeping missions. Peacekeeping missions may, however, find it difficult to translate their humanitarian role into the actions that are required of them. In general, in humanitarian protection terms the importance of a peacekeeping mission's role resides in facilitating access and supporting a more conducive environment for the effective provision of humanitarian assistance. Recent developments in mission planning, together with a greater awareness by peacekeeping contingents of the role that they play alongside humanitarian organizations, have led to greatly improved access and humanitarian actions in the Democratic Republic of Congo and elsewhere. The Council should consider early involvement to safeguard humanitarian access, and should, where appropriate, support regional organizations so that they can facilitate the necessary security environment for humanitarian and protection activities.

32. United Nations and associated personnel involved in humanitarian missions and the staff of humanitarian organizations have continued to be attacked, taken hostage and killed. There remain a number of cases where those responsible for acts of violence against humanitarian staff have been identified, yet judicial action against them is not being taken. The failure of States to address these issues may greatly constrain humanitarian access and sustain an unconducive environment for the provision of humanitarian assistance. To further reinforce full, safe and unhindered access, I urge the Council to consider the application of targeted sanctions in situations where access for humanitarian operations is denied as a result of specific attacks on those involved in the provision of humanitarian assistance.

III. Framework

33. The protection of civilians in armed conflict agenda continues to provide an important comprehensive framework for the complex range of issues that must be addressed to ensure respect for civilian status. Security Council resolutions 1265 (1999) and 1296 (2000) provide a solid basis for response. Regular reports and briefings to the Security Council and the development of specific tools such as the aide-memoire have been used to assist the Council in developing specific mandates and resolutions for peacekeeping missions. The road map (S/2002/1300, annex) outlines the roles and responsibilities of United Nations agencies and bodies in various aspects of protection of civilians. More recently, the ten-point platform developed by my Under-Secretary-General for Humanitarian Affairs establishes priority areas of action.

A. Progress in implementation of the framework

34. Security Council resolutions 1265 (1999) and 1296 (2000) established the areas of concern regarding the protection of civilians in armed conflict and identified actions by the United Nations, Member States and United Nations bodies that would address civilian protection concerns. The legal framework that comprises international humanitarian law, international criminal law, human rights law and refugee law has been enhanced over the past five years. The International Criminal Court has initiated investigations in the Darfur region, northern Uganda and the Democratic Republic of the Congo, with arrest warrants issued for five Lord's Resistance Army commanders. The treaty event Focus 2004 supported the call to Member States to ratify 24 key multilateral treaties related to the protection of civilians in armed conflict. Yet of the 26 countries where a total of 30 armed conflicts occurred in 2004,[7] only 13 are parties to Additional Protocol II to the Geneva Conventions, regulating internal conflicts. Serious gaps remain in the implementation of the legal framework.

35. The Security Council has addressed new challenges to the protection of civilians as they have arisen, most recently the issue of ensuring humanitarian access in Darfur. Protection concerns are better and more consistently reflected in peacekeeping mission mandates. Multidimensional peacekeeping missions have begun to integrate expertise from United Nations agencies, which is helping to develop a more complementary approach to the protection of civilians. A number of missions have now employed "civilian protection officers", who have been instrumental in developing an improved and shared understanding of protection needs. In the Democratic Republic of the Congo, MONUC has started to develop an integrated approach to addressing protection needs, drawing on all aspects of the Mission. This appears to have considerable benefits in terms of enhancing humanitarian access and responding more efficiently to major protection concerns.

B. Gaps in the current framework

36. The above notwithstanding, there are gaps in the current framework; addressing them will consolidate progress made in addressing protection needs, ensure effective mandates that better meet current protection needs and concerns and better engage regional organizations and other key partners in the protection of

civilians. For these reasons, the Security Council may wish to consider adopting a resolution incorporating developments in areas such as a more systematic, comprehensive mandate for peacekeeping and peacebuilding missions, physical protection and, especially, protection from sexual violence and child protection. Incorporating with greater clarity particular issues of concern and possible actions to be taken in a resolution would further strengthen the protection framework. Regional organizations will continue to play an important role, and closer collaboration and support are needed. Similarly, I have called for a more predictable humanitarian response in complex emergencies. Finally, the absence of a multisectoral monitoring and reporting mechanism does not allow the Council to systematically identify areas of concern or assess the impact of its actions.

IV. Next Steps

A. Physical protection: the responsibility of the State, non-State actors and the international community, particularly peacekeeping missions and regional and other intergovernmental organizations

37. The very first Security Council resolution on the protection of civilians (resolution 1265 (1999)) urged all parties to a conflict to comply with their obligations under international humanitarian, human rights and refugee law as well as decisions of the Council. The resolution called upon all parties to put an end to deliberate targeting of civilians and other protected persons and emphasized the responsibility of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, serious violations of international humanitarian and human rights law and other egregious crimes perpetrated against civilians. One of the most fundamental responsibilities in situations of armed conflict is the provision of effective protection from all kinds of violence and abuse, including killing, maiming, rape and other forms of sexual violence mostly committed against women and girls; recruitment and use of child soldiers; abduction and forced displacement; denial of humanitarian access; trafficking; and forced labour and all forms of slavery. Safeguarding their physical protection is also the first concern civilians have in times of conflict. I urge all parties to comply strictly with relevant rules and principles of international law concerning the protection of civilians in armed conflict, in particular international humanitarian, human rights and refugee law, to implement fully the relevant decision of the Security Council and to cooperate fully with the United Nations peacekeeping missions and United Nations country teams in the follow-up and implementation of these commitments. I also call upon the Council to clearly address these issues in its deliberations and decision-making processes.

38. The Security Council, in its second resolution on the protection of civilians (resolution 1296 (2000)) affirmed its intention to ensure that, where appropriate, peacekeeping missions are given suitable mandates and resources to protect civilians under imminent threat, including by strengthening the United Nations ability to plan and rapidly deploy peacekeeping personnel. The need to deploy civilian police, civil administrators and humanitarian personnel was also recognized. Both resolutions highlighted the importance of including the need to fully address the special protection needs of women, children and vulnerable groups.

39. While armed conflicts may frequently occur within rather than across borders, they nonetheless have implications for the regions where they are fought. These include the flow of refugees seeking safety in neighbouring countries, human trafficking, the illicit flow of small arms and the illegal exploitation of natural resources. In many cases, such as that of West Africa, conflict in one country contributes to overall instability in the region, requiring regional approaches to the protection of civilians. This entails a comprehensive approach to the situation that ensures humanitarian access, facilitates cross-border operations, ensures protection of those who flee generalized violence and addresses the root causes of conflict and issues related to disarmament, demobilization, reintegration and rehabilitation in mandates for peacekeeping and peacebuilding missions. Strengthened regional approaches and greater coordination of protection actions are required to ensure that the protection gains achieved within a country affected by conflict are sustained.

40. Regional organizations and other intergovernmental institutions play an increasingly valuable role in the protection of civilians by bringing skills and experiences from the region to bear on the situation. A joint approach by the humanitarian community and the security forces of the African Union — providing fuel-efficient stoves to decrease the need to seek firewood outside the camps, patrolling along routes for firewood collection and deploying female police in the camps — has managed to reduce the number of reported rapes and instances of sexual violence. The civilian police components of regional organizations are particularly important, as they can maintain the civilian nature of camps while having the appropriate skills to address protection concerns. I therefore urge the regional and other intergovernmental organizations to take up the protection agenda and address cross-border issues and regional protection concerns through regional mechanisms.

41. It is time for a more systematic partnership with regional and other intergovernmental organizations in the field of protection of civilians in armed conflict. The sixth high-level meeting between myself and the heads of regional and other intergovernmental organizations in July 2005 approved a work plan to strengthen such partnership, inter alia, through the establishment of a network of interested organizations, the development of joint workshops, training programmes, policy frameworks, common standards, and strategies and tools.

42. The recent escalation of violence in the Darfur region of the Sudan, however, highlights the need for adequate support for regional organizations and underscores the particular constraints faced by the African Union because of a lack of adequate logistical support. A concerted effort is therefore necessary to support regional and other intergovernmental organizations in order to build their capacity to respond to the protection needs of civilians caught in armed conflict. I would encourage Member States and intergovernmental organizations to make every effort to support, including financially, regional organizations in their contribution to peacekeeping and peacemaking processes.

43. The countries that neighbour areas of conflict will often play a critical role in affording protection to civilians, and their support is critical in ensuring effective humanitarian assistance and protection services. I therefore urge neighbouring countries to facilitate access for humanitarian assistance to conflict-affected populations, whether in their neighbouring or still in their country of origin. I also call upon such States to bring to the attention of the Security Council, as a matter

affecting peace and security, those issues that might threaten the right of civilians to assistance.

B. Provision of humanitarian assistance

44. The many examples of the impact of the changing nature of armed conflict highlight the need to employ new humanitarian skills and resources to respond to the protection challenge. My report "In larger freedom: towards development, security and human rights for all" (A/59/2005) recognized that greater predictability in overall humanitarian response is needed. Reforms are under way to enhance response capacity, develop more predictable humanitarian financing and strengthen humanitarian coordination.

45. I welcome the efforts of the Emergency Relief Coordinator and the Inter-Agency Standing Committee to reinforce the capacity of humanitarian and protection response by establishing clear leadership and accountability in key sectors and areas of protection and through the creation of a surge-protection response capacity. The designation of the Office of the United Nations High Commissioner for Refugees as the agency with primary managerial responsibility and accountability for the protection of internally displaced persons in complex emergencies and the modernization of the Central Emergency Revolving Fund to establish a response fund that can provide immediate financial grants to initiate a prompt response will further enhance the quality of protection and humanitarian actions.

46. The prompt provision of humanitarian assistance and protection activities will help to reduce levels of displacement and can potentially avert loss of life. However, the operational tools that can deliver a prompt response need to be supported by the recognition of the right to humanitarian assistance and international acceptance of secure and prompt access for humanitarian organizations and workers to people affected by conflict.[18]

C. Peacemaking

47. A prompt and predictable humanitarian response can bring sustainable relief to civilians caught in an armed conflict only when there is a political solution to the conflict. Peacemaking, peacekeeping, peacebuilding and humanitarian response are mutually reinforcing. In this connection, I am encouraged that Member States at the World Summit in September 2005 endorsed my efforts to strengthen the United Nations good-offices capacity, including in the mediation of disputes. The Department of Political Affairs is actively pursuing this important goal. I call on Member States to ensure that the effort receives the necessary support, since inadequate or insufficient peacemaking frequently undermines our humanitarian, peacekeeping and other efforts. As peacemaking processes often emerge out of humanitarian discussions, it is vital to have close cooperation between the humanitarian agencies and the peacemakers, as well as measures to include representatives of civilians, and especially women, in the peace process.

48. For the peace process to be fully sustainable, the protection, rights and well-being of civilians affected by armed conflict will need to be addressed and be specifically and systematically integrated into all peace processes, peace agreements

and post-conflict recovery and reconstruction planning and programmes. In many cases civilian populations will see commitment to their protection and well-being as a fundamental and tangible commitment of good intent. For this reason, all ceasefire and peace agreements should include commitments by the parties in negotiation to address issues of the protection of civilians, including commitments to cease all attacks on civilians and forcible displacements, to disarm and demobilize combatants, to rehabilitate and reintegrate all affected populations, to facilitate humanitarian access, to create conditions conducive to the safe, dignified and sustainable return or local integration of refugees and internally displaced persons, based on a voluntary and informed decision, and to ensure the safety of humanitarian personnel.

49. In the light of the growing number and increasing scale of peacebuilding missions, humanitarian organizations and peacebuilders must increase their interaction and engagement. Humanitarian action, whether delivering life sustaining assistance or safeguarding protection and assistance to civilians, will often take place alongside peacebuilding and political processes. Peacebuilding missions can establish greater complementarity of action where there is recognition of the need to ensure that humanitarian assistance is provided on the basis of the humanitarian principles of neutrality, impartiality and independence, and where humanitarian actors recognize the need to re-establish the responsibility and legitimacy of national institutions.

D. Monitoring and reporting

50. My previous reports to the Security Council have identified the need for more consistent and accurate reporting on both trends and issues of concern relating to the protection of civilians. A framework for reporting global trends is being established using the issues highlighted in the aide-memoire on the protection of civilians in armed conflict as the basis for analysis of such trends. In addition, a number of United Nations missions in countries of concern are establishing incident-reporting systems and databases that will be drawn on systematically in future reports to the Security Council.

51. In order to assist the Security Council in its decision-making and analysis, future reports on the protection of civilians, will include systematic analysis of the major trends affecting the protection of civilians with a greater emphasis on empirical information reflecting the effect of conflict on the quality of life and the well-being of civilian populations in areas of conflict. A systematic data-collection mechanism is being established jointly with the Department of Political Affairs, the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Human Rights, UNICEF, UNHCR, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and UNRWA, which will draw on and collate information from existing monitoring and reporting mechanisms.[19] Efforts will be made to draw on and seek active collaboration with academic institutions engaged in this area.

52. So that the Security Council can receive an overview of the main issues of concern and an appreciation of the trends affecting civilian populations, the Office for the Coordination of Humanitarian Affairs will collate baseline information in the following areas: the number of civilians killed, injured or tortured; displaced

persons; civilians affected by sexual violence; civilians totally or partially denied access to humanitarian assistance and protection; security issues related to internally displaced persons, whether in camps or host communities; civilians who benefit from successful disarmament, demobilization, reintegration and rehabilitation programmes; and the progress made by States in adopting measures to strengthen the protection of civilians. Equally important are data related to numbers of child soldiers recruited; attacks on camps, schools and hospitals; and the safety and security of humanitarian and associated personnel, which clearly affects the ability to deliver humanitarian assistance and protection. This data collection will start in a pilot phase in countries of concern to the Security Council at the beginning of 2006, to be extended more widely in the course of the year. I recommend that in countries of concern to the Council it be a matter of practice to have a database or inventory of protection-related incidents and that those incidents be reported on regularly to the Council in conjunction with mission-mandated discussions or thematic discussions.

V. Conclusions

53. In my first report to the Security Council on the protection of civilians in armed conflict, I stated that protection mechanisms rely first and foremost on the willingness of State and non-State actors to comply with applicable law. In calling for a "culture of protection", I proposed that all parties needed to understand how their responsibilities for the protection of civilians should be translated into action. I further suggested that in situations where parties to a conflict commit systematic and widespread breaches of international humanitarian and human rights law and thereby create the threat of genocide, crimes against humanity and war crimes, the Council should be willing to intervene under Chapter VII of the Charter. In its subsequent resolution 1296 (2000), paragraph 5, the Council reaffirmed its readiness to consider situations where the deliberate targeting of civilian populations or other protected persons and the committing of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and where necessary, to adopt appropriate steps. In my report "In larger freedom" I developed further the concept of the "responsibility to protect", elements of which have been reiterated in resolutions such as those related to children and armed conflict. I am particularly pleased that the World Summit Outcome document emphasizes the responsibility of the international community to seek appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII, and if necessary, in accordance with Chapter VII on a case-by-case basis, to provide protection from genocide, crimes against humanity, war crimes and ethnic cleansing.

54. In the five years since the adoption of Security Council resolution 1296 (2000) there have been new challenges to the safety and well-being of civilian populations, and the tools that we have at our disposal to address these concerns need to be developed accordingly. Improvements in the design of peacekeeping missions supported by mandates that address the specific protection needs of a conflict or the post-conflict environment will contribute to the protection of civilians. Enhancing the capacity and readiness of regional organizations to respond to protection concerns will also contribute significantly to the effectiveness with which the protection needs of civilians are addressed. Protection from physical and sexual

violence remains one of the major challenges to civilian protection. The framework by which the Security Council can support the protection of civilians must now be updated to better reflect this new environment and the United Nations capacity to respond. Establishing the capacity to collate all necessary information concerning the protection of civilians, along with the collation of protection incidents in countries of concern to the Council, will prove to be essential in ensuring a clear focus on protection that can be reflected throughout the work and deliberations of the Council.

Notes

[1] The Uppsala Conflict Data Programme defines an armed conflict as an armed confrontation between two parties, at least one of which is the Government of a State, resulting in at least 25 battle-related deaths per year. Lotta Harbom and Peter Wallensteen, "Armed Conflict and its International Dimensions, 1946-2004", in *Journal of Peace Research*, vol. 42, No. 5 (pp. 624 and 634). The trend remains downward, irrespective of the definition of armed conflict applied.

[2] *Human Security Report 2005*, p. 34.

[3] Ibid.

[4] Ibid., pp. 35 and 111, cites a recent survey which estimates that 40 per cent of child soldiers are girls.

[5] Graph on internally displaced and refugee populations from *Internal Displacement — Global Overview of Trends and Developments in 2004*, Global IDP Project, Norwegian Refugee Council, March 2005, p. 9. The number of refugees in the graph includes Palestine refugees under the United Nations Relief and Works Agency for Palestine Refugees in the Near East mandate.

[6] *Human Security Report 2005*, p. 134.

[7] Ibid., p. 30.

[8] Rape was used as a "weapon of war" in at least 13 countries between 2001 and 2004. Ibid., p. 109.

[9] The mortality level ranged from 1.22-1.91 per 10,000 persons per day, compared with the emergency threshold of 1 death per 10,000 persons per day. "Health and mortality survey among internally displaced persons in Gulu, Kitgum and Pader districts, northern Uganda", July 2005 (conducted by the Republic of Uganda Ministry of Health, WHO, UNICEF, WFP, UNFPA and the International Rescue Committee), p. 15.

[10] *The Human Security Report 2005*, p. 108, refers to a survey in post-war Sierra Leone, which finds women and girls twice as vulnerable as other demographic groups.

[11] Additional Protocol II to the Geneva Conventions, article 17.

[12] See, for example, S/2005/636.

[13] See, for example, A/59/695-S/2005/72.

[14] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), part two, the proposals, recommendations and conclusions of which were endorsed by the General Assembly in its resolution 59/300, entitled "Comprehensive review of a strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations".

[15] See staff rule 101.2 (a), covering cases within the authority of the Secretary-General. Criminal and disciplinary responsibility with respect to members of national contingents depends on the national law of the Member State concerned.

[16] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1), General Assembly resolution 59/300, and the 2005 World Summit Outcome (resolution 60/1).

[17] Lotta Harbom and Peter Wallensteen, "Armed Conflict and Its International Dimensions, 1946–2004", in *Journal of Peace Research*, vol. 42, No. 5, p. 624.

[18] These two issues are also highlighted in my report to the General Assembly "New international humanitarian order" (A/59/554, para. 6).

[19] I.e., the mechanism pursuant to resolution 1612 (2005) relating to children and armed conflict and mechanisms of human rights bodies of the United Nations.